

Karin M. Cogbill (State Bar No. 244606)
Sean M. Bothamley (State Bar No. 300100)
Diana Han (State Bar No. 340109)
JACKSON LEWIS P.C.
160 W. Santa Clara St., Suite 400
San Jose, CA 95113
Tel: (408) 579-0404
Fax: (408) 454-0290
Email: Karin.Cogbill@jacksonlewis.com
Sean.Bothamley@jacksonlewis.com
Diana.Han@jacksonlewis.com

Attorneys for Defendant
OLDCASTLE INFRASTRUCTURE, INC.

[counsel continued on next page]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISAAC DELGADO, on behalf of himself and
all others similarly situated, and the general
public,

Plaintiff,

v.

OLDCASTLE INFRASTRUCTURE, INC., a
Washington corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. 2:24-cv-02031-DJC-CKD

*[Assigned for all purposes to the Hon.
Daniel J. Calabretta]*

**JOINT STATUS REPORT;
STIPULATION TO WITHDRAW
MOTION TO DISMISS FIFTH
AMENDED COMPLAINT WITHOUT
PREJUDICE; ORDER**

Complaint Filed: October 26, 2023
FAC Filed: January 16, 2024
SAC Filed: June 25, 2024
Removal Date: July 25, 2024
TAC Filed: January 6, 2025
Fourth AC Filed: February 20, 2025
Fifth AC Filed: August 6, 2025

1 D.LAW, INC.
Emil Davtyan (SBN 299363)
2 emil@d.law
David Yeremian (SBN 226337)
3 d.yeremian@d.law
David Keledjian (SBN 309135)
4 d.keledjian@d.law
David Arakelyan (SBN 337076)
5 d.arakelyan@d.law
450 N. Brand Blvd. Ste. 450
6 Glendale, CA 91203
Telephone: (818) 962-6465
7 Facsimile: (818) 962-6469

8 Attorneys for Plaintiffs ISAAC DELGADO and MARCOS GUTIERREZ
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiffs ISAAC DELGADO (“DELGADO”) and MARCOS GUTIERREZ
2 (“GUTIERREZ”), and Defendant OLDCASTLE INFRASTRUCTURE, INC.
3 (“Defendant”) (collectively, the “Parties”), through their respective counsel of record,
4 hereby inform the Court that they have reached an agreement in principle to settle the above-
5 captioned matter, the related matter of *Rene Serrano v. Oldcastle Infrastructure, Inc.*, United States
6 District Court for the Eastern District of CA, Case No. 2:24-cv-03466-DC-SCR, and the non-
7 related matter of *Isaac Delgado v. Oldcastle Infrastructure, Inc.*, United States District Court for
8 the Central District of CA, Case No. 5:24-CV-01383-SSS-SP.

9 The Parties are in the process of drafting settlement documents for court approval of the
10 Class and PAGA claims covered by the Parties’ tentative settlement. Accordingly, the Parties
11 have agreed that Defendant shall withdraw, without prejudice, its pending Motion to Dismiss
12 Plaintiffs’ Fifth Amended Complaint to allow the Parties to focus on finalizing and seeking
13 approval of their tentative settlement.

14 WHEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

- 15 1. Defendant’s Motion to Dismiss Plaintiffs’ Fifth Amended Complaint is withdrawn
16 without prejudice;
- 17 2. All dates and deadlines related to the Hearing on Motion to Dismiss, including the
18 October 16, 2025, hearing date and Plaintiffs’ September 10, 2025, deadline to file their
19 Opposition, are VACATED; and
- 20 3. The Parties shall file a Joint Status Report in 60 days regarding status of the Parties’
21 settlement.

22 IT IS SO STIPULATED.

23
24 Dated: September 5, 2025

D.LAW, INC.

25 /s/ David Arakelyan (as authorized on 9/4/25)

26 David Yeremian

David Keledjian

27 David Arakelyan

Attorneys for Plaintiffs ISAAC DELGADO

28 and MARCOS GUTIERREZ

1 Dated: September 5, 2025

JACKSON LEWIS P.C.

2 /s/ Karin M. Cogbill

3 Karin M. Cogbill

4 Sean M. Bothamley

5 Diana Han

6 Attorneys for Defendant OLDCASTLE
7 INFRASTRUCTURE, INC.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The Court, having considered the Parties' stipulation, hereby ORDERS as follows:

1. Defendant's Motion to Dismiss Plaintiffs' Fifth Amended Complaint is withdrawn without prejudice;
2. All dates and deadlines related to the Hearing on Motion to Dismiss, including the October 16, 2025, hearing date and Plaintiffs' September 10, 2025, deadline to file their Opposition, are VACATED, and
3. The Parties shall file a Joint Status Report in 60 days regarding status of the Parties' settlement.

IT IS SO ORDERED.

Dated: September 5, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE